



**NOISE ORDINANCE REVIEW COMMITTEE (NORC)
WEDNESDAY, FEBRUARY 18, 2004
6:00-8:00 p.m.**

**VILLAGE HALL/POLICE STATION
COMMUNITY ROOM #120**

1. Attendance
2. Approval of Minutes:
 - a. January 21, 2003 Minutes
3. Review of Section 17-3(3): Commercial, hotels, and Private Clubs (Beach Club, Yacht Club, and Grand Bay)
5. Review of New Section 17-8 Burglar Alarms
6. Approval of Revised Schedule
7. Public Comment
8. Next Meeting Date
9. Adjournment



DT: January 22, 2004

TO: Noise Ordinance Review Committee

FR: Jud Kurlancheek, AICP, Director
Building, Zoning, and Planning Department

RE: Proposed Meeting Schedule and Methodology

Meeting Number	Meeting Date	Issues/Subjects to be Addressed
1.	July 2, 2003	Committee reviews schedule and approves methodology Police Department, Building, Zoning, and Planning Department, and Committee members identify problems in the administration of the Ordinance.
2.	Aug 13, 2003	Police Department, Building, Zoning, and Planning Department, and Committee members identify problems in the administration of the Ordinance (Continuation of the July 2 discussion). Review of Key Biscayne Noise Ordinance Committee initiates review how other municipalities deal with noise: Coral Gables, Aventura, and Pinecrest. Presentation by the BZP Director.
3	Sept 17, 2003	Committee completes review how other municipalities deal with noise: Coral Gables, Aventura, and Pinecrest. Presentation by the BZP Director. Key Biscayne Noise Committee: Review of complaints and violations Review of Key Biscayne Noise Ordinance Sec 17-3 <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <p>(a) Excessive noise</p> <p>(b) Horns, signaling devices, etc.</p> <p>(d) Animals, birds, etc.</p> <p>(e) Exhausts</p> </div> <div style="width: 45%;"> <p>(f) Construction</p> <p>(g) Firearms and explosives</p> <p>(p) Power tools and landscaping equipment</p> </div> </div>

4.	Oct 15, 2003	<p>Review of Key Biscayne Noise Ordinance Sec 17-3</p> <ul style="list-style-type: none"> (k) Defect in Motor Vehicle or Motorboat (l) Hawkers/peddlers (m) Schools, courts, hospitals, places of religious worship (n) Aircraft (o) Open air concerts, musical broadcasts, etc. (q) Leaf blowers <p>Section 17-4 Permits for Special Events Section 17-5 Exemptions Section 17-6 Enforcement Section 17-7 Penalties Review of complaints and violations</p>
5.	Nov 19, 2003	<p>Section 17-3</p> <ul style="list-style-type: none"> (c) Radios, Televisions, Photographs, Musical Instruments, etc. (f) Construction - Staff requests a clarification (h) Loudspeaker or sound amplification <p>Review of Section 17-4 Permits for Special Events Review of Section 17-5 Exemptions Burglar Alarms - New Section</p>
6.	Dec 17, 2003	Review of Section 17-4 Permits for Special Events
7.	Jan 21, 2004	<p>Review of Section 17-6 Enforcement Review Enforcement, Section 17-7 Penalties Review of Section 17-3(c) noise from private clubs and hotels</p>
8.	Feb 18, 2004	<p>Review of Section 17-3(3) noise from private clubs and hotels Review of New Section 17-8 Burglar Alarms</p>
9.	Mar 17, 2004	<p>Section 17-3 - reconsideration of previously approved sections</p> <ul style="list-style-type: none"> (f) Construction - Staff requests a clarification (h) Loudspeaker or sound amplification <p>Section 17-7-Penalties- reconsideration of maximum fines Final review of the Noise Ordinance Prior to the Committee's Public Hearing</p>
10.	April 14, 2003	Committee holds a public hearing on the ordinance and submits recommendation to the Village Council. Public hearing to be advertised in The Islander News, posted in Village Hall, and listed on Village's website. At the conclusion of the hearing, changes are made, and the ordinance is forwarded to the Village Council.
11.	May 4, 2004	Committee appears before Council and requests public hearings (2).
12.	June, 2004	Council holds two public hearings.



**Noise Ordinance Review Committee
Meeting Notes from January 21, 2003
By: Jose F. Penichet,
Co-Secretary**

Noise Committee Minutes of the Meeting, January 21st, 2004

Meeting called to order.

Members in attendance:

Luis Arrondo

Ana Brennan

Clinton Archambault

Bill Pickell

Ramon Rodriguez

Jose F. Penichet

Absent:

Serge Barder, Chair

Michael Carsch, Co-Chair

Also in attendance:

Bob Oldakowski, Mayor

Jud Kurlancheek, Director K.B.B.P.Z.

Alex Palenzuela, Village Attorney

Officer Ismaeloff. K.B. Police Dept.

Public attendance:

Michael Stephens

Mike Cruz

Mr & Mrs. John Caughlan

Old business:

Review and approval of minutes of the meeting of December 17th, 2003. Review and approval of changes and additions of the minutes of the meeting of November 19th, 2003.

Next meeting scheduled for February 18th, 2004.

Mayor Oldakowski introduction. Thanks to the members of the committee for their time and effort and explained why are we in this committee.

Discussion of the Key Biscayne noise ordinance 17.5 exceptions followed:

17.5 (a) After discussion motion to leave as written was seconded and approved unanimously.

17.5 (b)(c) After discussion motion to leave as written was seconded and approved unanimously.

17.3 (h) New discussion of portion of 17.3 (h) dealing with outside events at private and commercial clubs and hotels followed: Questions regarding frequency and length of parties in the Beach the Club and Ritz Carlton were answered. Beach Club parties have become much more frequent and louder. Also frequency and intensity of the outside events at The Ritz Carlton Hotel was discussed. It was noted that approximate one half of the special events permits in 2003 issued by the Village of K. B. were to The Ritz Hotel and all were conducted outside. It was also noted that

no complaints were recorded from outside events at The Yacht Club, The Sonesta Hotel or The Grand Bay Club. Bill Pickell made a motion to leave further discussion on this section for the following meeting in order to allow Michael Carsch in the discussion and resolution of this section.

Discussion regarding the continued usage of The Ritz fire emergency gate located on Ocean Drive was tabled until the next meeting. The committee unanimously requested the presence of the Village Manager Jackie Menendez to the next meeting to explain why the Fire Chief gives permission to open the gate for deliveries, etc.

Public comments:

Mr. Mike Cruz of 590 Ocean Drive complaint about the Waste Management blowing the horn at the security guard very early in the morning. Also loud music from the Beach Club employee's car every day.

Mr. Michael Stephens presented a letter with copies to every committee member listing the outside events at The Ritz from January 3rd to January 19th (8 events). He also points out in his letter that 3 of the 8 activities were taking place outside the current permit time frames.

Mr. & Mrs. Caughlan also complained about the Beach Club loud music and frequency of parties. They also mentioned the loud music from the Beach Club employee and the frequency of The Ritz outside events.

Clinton Archambault suggested having a threshold of three violations prior to banning of special events.

Luis Arrondo pointed out that there is an area encompassing The Ritz Hotel, The Beach Club, Galen Breakers, Bahia Mar, The Sands, and other buildings on Ocean Drive where all the noise problems arise therefore this should be treated separately.

Officer Ismaeloff requested that residents should call the Police Department to complain when noise levels are endangering the quality of life.

Jose F. Penichet asked all members to read K.B. noise ordinance 17.3 (c) and give individual interpretation to the meaning of this section.



VILLAGE OF KEY BISCAYNE NOTICE OF PUBLIC MEETING REGARDING THE NOISE ORDINANCE REVIEW COMMITTEE

PUBLIC NOTICE IS HEREBY GIVEN THAT THE NOISE ORDINANCE REVIEW COMMITTEE WILL HOLD A PUBLIC MEETING ON FEBRUARY 18, 2004, 6:00 P.M., IN THE VILLAGE HALL/POLICE STATION, COMMUNITY ROOM #140 (FIRST FLOOR), 88 W. MCINTYRE STREET KEY BISCAYNE, FL 33149. THE PURPOSE OF THE PUBLIC MEETING IS TO REVIEW, DISCUSS AND MAKE RECOMMENDATIONS TO THE VILLAGE COUNCIL REGARDING THE NOISE ORDINANCE. INTERESTED PARTIES ARE INVITED TO APPEAR AND BE HEARD OR SUBMIT WRITTEN COMMENTS TO THE BUILDING, ZONING, AND PLANNING DIRECTOR TO THE BUILDING, ZONING, AND PLANNING DIRECTOR AT 88 W. MCINTYRE STREET, KEY BISCAYNE, FL 33149. IF YOU HAVE ANY QUESTIONS WITH RESPECT TO THIS MATTER PLEASE CALL 305 365 8908.

IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT OF 1990, ALL PERSONS WHO ARE DISABLED AND WHO NEED SPECIAL ACCOMMODATIONS TO PARTICIPATE IN THIS PROCEEDING BECAUSE OF THAT DISABILITY SHOULD CONTACT THE OFFICE OF THE VILLAGE CLERK, 88 WEST MCINTYRE STREET, KEY BISCAYNE, FLORIDA 33149, TELEPHONE NUMBER (305) 365-5511, NOT LATER THAN TWO BUSINESS DAYS PRIOR TO SUCH PROCEEDINGS.

IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE BOARD WITH RESPECT TO ANY MATTER CONSIDERED AT A MEETING OR HEARING, THAT PERSON WILL NEED A RECORD OF THE PROCEEDINGS AND, FOR SUCH PURPOSE, MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED (F.S.286.0105).

COMMENTS OF ANY INTERESTED PARTY RELATIVE TO THIS MATTER MAY BE SUBMITTED IN WRITING AND OR PRESENTED IN PERSON AT THE PUBLIC MEETING.

NOTICE IS HEREBY GIVEN THAT ONE OR MORE MEMBERS OF THE VILLAGE COUNCIL MAY BE ATTENDING THIS MEETING.

Posted in the Village Hall February 11, 2004

DT: January 22, 2004

TO: Don Emory, Key Biscayne Yacht Club
Mike O'Brian, Key Biscayne Beach Club
Hector Meneses, Grand Bay Club
Michael Carsch, Ritz Hotel
Mathias Kammeron, Sonesta Hotel
Angela Arango, Sands Condominium Manager
Mitchell Esterez-Hayes Key Colony
Homeowner's Association

FR: Jud Kurlancheek, AICP, Director
Building, Zoning, and Planning Department

RE: Noise Ordinance Review Committee

On January 28, 2003, the Village Council created the Noise Ordinance Review Committee. The purpose of the Committee is to review the Village's Noise Ordinance and to recommend to the Council changes, if any, that would improve the quality of life in the Village.

The Committee first met in April 2003 and has been meeting on a monthly basis. The Committee is now in the process of reviewing indoor and outdoor activities that creates noise at private clubs and hotels which is heard in adjacent properties. Presently, this situation is permitted within certain time limitations. It is possible that the Committee may recommend to the Village Council that the current regulations be changed. The following or some derivation may be recommended:

1. a prohibition of noise that could be heard in an adjacent property, regardless of the time.
2. stricter regulations or hours.
3. maintain the present regulations.

This subject will be discussed by the Committee on February 18, 2004, 6:00 p.m., in the Village Hall Community Room (first floor of Village Hall), 88 W. McIntyre St., Key Biscayne, FL 33149. I urge you or a representative to attend the meeting. Please note this meeting is not a public hearing, but the Committee's guidelines provide an opportunity for the public to comment on any subject on the agenda. If you wish to comment on this subject at the meeting, the Committee has established a guideline that speakers are limited to 2 minutes. If you prefer, you may send written comments to me and I will distribute them to the Committee.

Once the Committee completes their review of the entire Noise Ordinance, they will hold a public hearing. The Committee will then forward their recommendations to the Village Council. If the Council wishes to amend the Noise Ordinance, two public hearings are required. All public hearings are advertised in The Islander News.

If you have any questions, please contact me at 305 365 8908.